

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 3, 2007**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of January 3, 2007, was called to order by Mayor Johnson at 5:30 p.m.

Present: Council Members – Hansen, Katzakian [excluding C-2 (b) and C-2 (c)], Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Lodi City Mid-Management Association, Maintenance and Operators and General Services Groups, Police Officers Association, Professional Firefighters, and Fire Mid-Managers pursuant to Government Code §54957.6
- b) Actual Litigation: Government Code §54956.9(a); One Case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- c) Actual Litigation: Government Code §54956.9(a); One Case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*, United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- d) Prospective Acquisition of Real Property for Street Easement Deed Dedications from Certain Property Owners Located within the Lockeford Street Widening Project Limits, Lodi, California, for Right-of-Way; the Negotiating Parties are Michael Guddal (APN #041-230-35); Cuong Van and Nhai Le (APN #041-230-42); Douglas A. and Susan Larsson (APN #041-230-08); Dale and Susan Werner, Jr. (APN #041-230-34), and City of Lodi; Government Code §54956.8
- e) Prospective Acquisition of Real Property for Street Easement Deed Dedications from Certain Property Owners Located within the Turner Road/Lower Sacramento Road Project Limits, Lodi, California, for Right-of-Way; the Negotiating Parties are General Mills (APN #s 015-230-31 and 015-230-40), Lodi Unified School District (APN # 015-170-10), and City of Lodi; Government Code §54956.8

**C-3     ADJOURN TO CLOSED SESSION**

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:35 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), a status report was provided.

In regard to Items C-2 (b), C-2 (c), C-2 (d), and C-2 (e), direction was provided.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of January 3, 2007, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Ken Owen, Christian Community Concerns.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Johnson, Mounce second, approved the following items hereinafter set forth **except those otherwise noted** by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

E-1 Claims were approved in the amount of \$2,489,108.25.

E-2 The minutes of October 3, 2006 (Shirtsleeve Session), October 10, 2006 (Shirtsleeve Session), December 19, 2006 (Shirtsleeve Session), December 20, 2006 (Regular Meeting), and December 26, 2006 (Shirtsleeve Session) were approved as written.

E-3 Accepted the Quarterly Investment Reports as required by law (Senate Bill 564).

E-4 “Adopt Resolution Awarding the Contract for Roof Replacement Improvements at Legion Park, 835 South Hutchins Street, and Kofu Park, 1145 S. Ham Lane, to Diede Construction, of Woodbridge, CA, (\$121,128.66)” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-5 Adopted Resolution No. 2007-01 accepting the improvements under “Blakely Park Playground at 1050 South Stockton Street” contract in the amount of \$210,357.80.

E-6 Adopted Resolution No. 2007-02 approving a six-month extension of lease of Maple Square, 2 East Lodi Avenue, for the period of January 1, 2007 to June 30, 2007.

E-7 Adopted Resolution No. 2007-03 authorizing the destruction of certain records retained by the City Attorney’s Office.

E-8 Set public hearing for February 7, 2007, to consider implementation of a new Substation and Transmission System Charge to be assessed as a development impact fee upon future electric utility customers outside existing City boundaries and making corresponding amendments to the applicable Electric Utility Department Rules and Regulations.

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ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-4 "Adopt Resolution Awarding the Contract for Roof Replacement Improvements at Legion Park, 835 South Hutchins Street, and Kofu Park, 1145 S. Ham Lane, to Diede Construction, of Woodbridge, CA, (\$121,128.66)"

In response to Mayor Pro Tempore Mounce, Parks and Recreation Director Goehring stated the estimate was off because of last-minute Americans with Disabilities Act requirements and a reengineering and restructuring of the entire building. He stated the Kofu project is under budget.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, adopted Resolution No. 2007-04 awarding the contract for Roof Replacement Improvements at Legion Park, 835 South Hutchins Street, and Kofu Park, 1145 S. Ham Lane, to Diede Construction, of Woodbridge, CA, in the amount of \$121,128.66. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce requested staff research the sound quality for broadcasting City Council meetings via cable and the Internet.
- Mayor Johnson also requested research of sound quality and suggested reviewing the functionality of the Lodi Animal Shelter Task Force.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated the comments regarding sound quality are appreciated and staff will review the same.

I. PUBLIC HEARINGS

None

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None

- J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, made the following appointments of City Council Members to fill vacancies on various boards, commissions, and committees by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

Greenbelt 2x2x2 Committee

Bob Johnson

Unspecified term limit

Northeastern San Joaquin County Groundwater Banking Authority

Phil Katzakian, Delegate

Unspecified term limit

San Joaquin Council of Governments Delta Protection Commission

JoAnne Mounce Unspecified term limit

San Joaquin County Flood Control and Water Conservation District

Phil Katzakian, Delegate Term to expire February 26, 2009

San Joaquin Mokelumne River Water and Power Authority

Bob Johnson, Delegate Unspecified term limit

San Joaquin County Solid Waste Management Task Force

Phil Katzakian Unspecified term limit

San Joaquin Partnership

JoAnne Mounce, Alternate Unspecified term limit

- b) The City Council, on motion of Council Member Hansen, Mounce second, re-posted for the following expiring terms by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

Recreation Commission

Ken Sasaki Term expired December 31, 2006

Ed Wall, Jr. Term expired December 31, 2006

Barbara Wardrobe-Fox Term expired December 31, 2006

Site Plan and Architectural Review Committee

Keith Selleseth Term to expire January 31, 2007

J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 “Receive and File the City's Comprehensive Annual Financial Report (Fiscal Year 2005-06) by Macias, Gini & O'Connell, LLP”

City Manager King briefly introduced the subject matter regarding the City's Comprehensive Annual Financial Report (CAFR).

Deputy City Manager Krueger introduced the auditor, Scott Bruener, from Macias, Gini and O'Connell, stating a more comprehensive review of the contents of the CAFR will be presented with the budget.

Mr. Bruener provided a brief summary of the audit report and offered to answer questions.

In response to Mayor Pro Tempore Mounce, Mr. Bruener stated the City has done a good job of addressing the proposed changes from last year. He stated the supplement to the draft report was not issued, but it will not be significantly different.

In response to Mayor Johnson, Mr. Bruener stated he will be available to answer questions when the final report is issued.

In response to Council Member Hansen, Mr. Bruener stated the Community Development Department, specifically the area handling the Community Development Block Grant (CDBG) program, can be strengthened and improved through more staffing, tracking, and oversight. Mr. Bruener also acknowledged the need for proper administration at the applicant, County, State, and Federal levels.

City Manager King stated the audit covers up to June 30<sup>th</sup> and action was taken subsequent to that. He stated the allocation of CDBG funds for the dedication of expertise was reviewed and the County involvement through the consortium is a policy issue.

Community Development Director Hatch stated a contract employee from Pacific Municipal Consultants, who specializes in CDBG administration, was retained to assist with program administration, timely fund disbursement to recipients, and auditing and providing information. Mr. Hatch reviewed a graph regarding target, projected, and actual expenditures and suggested the services provided through the County consortium be reviewed.

In response to City Manager King, Mr. Bruener stated the fouls are minor, but the information is still needed.

In response to Mayor Johnson, Mr. Hatch stated Lodi is an entitlement City.

In response to Mayor Johnson, Mr. Bruener and Mr. Hatch stated the fouls do not rise to the level of sanctions.

In response to Council Member Hansen, Mr. Hatch stated the Lodi-Stockton metropolitan name reference is a result of Lodi being the first City to reach over 50,000.

In response to Mayor Pro Tempore Mounce, Mr. Bruener stated the method by which a particular department is chosen to audit involves a risk analysis of single programs of \$300,000 or more and previous findings.

At the request of City Manager King, Mr. Bruener provided an overview of Governmental Accounting Standards Board (GASB) 45, discussing topics including reporting requirements, public information, reporting of post retirement benefits and funding liability regarding the same, sick leave conversion, and the likelihood that the City will fair well in its accounting for GASB 45.

In response to Mayor Pro Tempore Mounce, Mr. Bruener stated phase implementation requires the City comply with GASB 45 by 2008. Mr. Krueger stated the City will contract for an actuarial and he anticipates the results will be similar to what is anticipated now.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, received and filed the City's Comprehensive Annual Financial Report (Fiscal Year 2005-06) by Macias, Gini & O'Connell, LLP. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

K-2 "Discuss and Select Project Nominations for San Joaquin Council of Governments' One Voice Trip"

City Manager King briefly introduced the subject matter of nominating projects for the One Voice trip. General topics of discussion included the purpose of the trip, the process of nominating projects through the San Joaquin Council of Governments (SJCOC), and the nomination of two specific projects including the Police and Fire training facility and Highway 99 interchange improvements.

Public Works Director Prima provided an overview of the Highway 99 interchange improvement projects including Turner Road, Victor Road, Harney Lane, Lockeford Street, Lodi Avenue, rails, and trails for a bike route.

Council Member Hansen suggested nominating the Highway 99 interchange improvements to bring awareness to the projects.

In response to Mayor Johnson, Mr. Prima stated they are moving forward with the Highway 12 project and awaiting a meeting with the new supervisors. He stated funds are being collected and State funding may be available. Mr. Prima stated the project involves shoulder and interchange improvements, which were a part of the original design, and that additional information would be available in three to four weeks.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated the projects are not on the priority list, which generally consists of projects in the central and southern portion of the County, and Measure K looks at funding for the next 30 years.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated while there is a concern about spending money for highway projects in a timely manner, it does send a message and put more pressure on SJCOG to assist.

Discussion ensued between Mayor Johnson and Council Member Hansen regarding the potential for funding from the newly seated congress and SJCOG changing its priority of projects.

City Manager King stated SJCOG staff is working diligently to make the trip meaningful and will hold a sponsorship event for the legislators in conjunction with the Wine Grape Commission.

**MOTION / VOTE:**

The City Council, on motion of Council Member Hansen, Johnson second, selected the Highway 99 interchange improvements project to be nominated for the San Joaquin Council of Governments' One Voice trip by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

- K-3 “Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$378,517.20)”

**MOTION / VOTE:**

The City Council, on motion of Mayor Johnson, Hansen second, approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$378,517.20, as detailed below and shown by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

Folger Levin & Kahn - Invoices Distribution				
Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	98563	10/31/2006	People v. M&P Investments	\$ 75,922.80
				\$ -975.00
8003	98489	10/31/2006	Hartford Insurance Coverage Litigation	\$209,235.30
				\$ -670.00
			Add Hartford Cost from Envision Invoice	\$ 1,264.00
8005	98566	10/31/2006	Unigard Insurance Litigation	\$ 566.00
8008	98564	10/31/2006	City of Lodi v. Envision Law Group	\$ 41,649.94
			Deduct Hartford Cost	\$ -1,264.00
	6345	08/31/2006	West Environmental/Krasnoff	\$ 1,462.50
	6425	09/30/2006	West Environmental/Krasnoff	\$ 1,682.50
	6458	10/31/2006	West Environmental/Krasnoff	\$ 14,190.00
		Oct-Nov 2006	Clint Miller, Expert	\$ 13,179.50
<b>Total</b>				<b>\$356,243.54</b>

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution					
Invoice No.	Date	Description	Amount	100351.7323	Water
229490	11/25/06	General advice	3,895.20	3,895.20	
229490	11/25/06	Claims by Environmental Consult.	602.03		602.03
229490	11/25/06	Citizens for Open Govt. v. City of Lodi	667.90	667.90	
229490	11/25/06	AT&T v. City of Lodi	1,062.85	1,062.85	
Total			\$6,227.98	\$5,625.95	\$602.03
JAMS Mediation Services				Water Acct.	
00001207867-110	10/06/2006	People v. M&P Investments		\$	2,108.34
00001218431-110	10/31/2006	People v. M&P Investments		\$	3,789.84
0001231054-110	11/30/2006	People v. M&P Investments			
		<u>\$10,147.50</u>			
Total					<b>\$16,045.68</b>

## L. ORDINANCES

- L-1 "Introduce Ordinance Amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, 'Downtown Lodi Business Improvement Area No. 1,' by Repealing and Reenacting Section 12.06.050, 'Establishment of Benefit Fee'"

City Attorney Schwabauer provided a brief overview of the proposed ordinance.

In response to Mayor Pro Tempore Mounce, City Manager King stated the reason for two sets of invoices is that the assessment and ordinance revision were brought to Council at different times. He stated the dates will be coordinated in the future and setting the fee by resolution will aid in the process.

### PUBLIC COMMENTS:

- Chuck Easterling spoke in favor of the proposed ordinance and stated he was frustrated with the process for implementing the assessment. Council Member Hansen stated the implementation process will be made easier by resolution, but it will still require some time between the assessment approval and implementation. City Attorney Schwabauer stated implementation originally was by ordinance and the pending approval will change it to implementation by resolution.
- Ann Cerney spoke in opposition to the proposed ordinance based on concerns regarding the matter was left open as to the validity of the protest, the protest procedure, and discrepancies in the list utilized to conduct the protest. City Attorney Schwabauer stated the public hearing was closed after the protest was held and the matter was completed. In response to Mayor Johnson, City Manager King stated staff will be as lenient as possible with penalties.

Mayor Pro Tempore Mounce stated she cannot support the proposed ordinance because she believes an audit is needed.

### MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, introduced Ordinance No. 1789 amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, "Downtown Lodi Business Improvement Area No. 1," by repealing and reenacting Section 12.06.050, "Establishment of Benefit Fee." The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – Hitchcock

## RECESS

At 8:30 p.m. Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:38 p.m.

## L. ORDINANCES (Continued)

L-2 "Introduce Ordinance Amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.080, 'Definitions,' Adding Section 9.08.115, 'Loitering in Certain Public Places Prohibited,' and Deleting Section 9.08.160, 'Violation – Infraction'"

Lt. Chet Somera provided a PowerPoint presentation (filed) regarding the proposed loitering ordinance. General topics of discussion included background, history of findings of the 2x2 Committee consisting of the City and School District, identifying problems, the stakeholders, Stockton ordinance regarding the same, intent of the ordinance, supporters, and staff recommendations.

In response to Council Member Hansen, Lt. Somera stated the ordinance does not apply to a person who is walking the track or simply playing basketball without other circumstances because the officer will enforce the spirit of the law as well as the letter of the law. He stated the ordinance is similar to the curfew ordinance and is a tool for law enforcement to curtail illegal activity.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, Mayor Johnson, City Manager King, and Lt. Somera regarding posting, timing, sign requirements, and enforcement at schools, recreation, and community centers.

### PUBLIC COMMENTS:

- Ann Cerney spoke in opposition to the proposed ordinance based on her concern that the ordinance is vague. City Attorney Schwabauer stated the ordinance is clear in that it is unlawful to enter a posted site at a prohibited time. He said the only question is whether or not a citation will result.
- Police Chief Jerry Adams spoke in favor of the proposed ordinance, stating the ordinance is a law enforcement tool to help prevent damage before it has occurred in problematic areas. He stated other cities have similar ordinances that have been successful and he is confident that the officers will enforce both the spirit of the law as well as the letter of the law.
- Shawn Reilly spoke in favor of the proposed ordinance, stating the ordinance is needed if the time limits are properly posted.

### MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, introduced Ordinance No. 1790 amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, "Offenses Against Property," by repealing and reenacting Section 9.08.080, "Definitions," adding Section 9.08.115, "Loitering in Certain Public Places Prohibited," and deleting Section 9.08.160, "Violation – Infraction." The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

L-3 "Introduce Ordinance Amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – to Add Chapter 9.15, 'Prohibition Against Certain Forms of Aggressive Solicitation'"

Sgt. Tod Patterson provided a PowerPoint presentation (filed) regarding the aggressive solicitation ordinance. General topics of discussion included the historical background of the proposed ordinance, stakeholders, research of neighboring cities, and staff recommendations.



PUBLIC COMMENTS:

- Christopher Bovenkerk, Co-Manager of the Lodi Wal-Mart, spoke in favor of the proposed ordinance based on his concerns regarding prior experience with aggressive solicitors and customer safety.

In response to Mayor Johnson's question regarding pursuing customers in the parking lot during daylight and night time, Deputy City Attorney Magdich stated the proposed ordinance places reasonable time, place, and manner restrictions while protecting the First Amendment constitutional rights of individuals.

- Bill Swift, representing Lowe's, spoke in favor of the proposed ordinance based on his prior experience with aggressive solicitors and customer and employee complaints.

In response to Mayor Pro Tempore Mounce, City Manager King stated the ordinance does not apply to the "Fill the Boot" event by the Fire Department in connection with the proximity of the intersection; although, training is an option.

In response to Council Member Hansen, Deputy City Attorney Magdich stated the ordinance applies to aggressive solicitors only, and similar ordinances have been used successfully in other communities to curtail aggressive behavior by solicitors.

- Pete Iturraran of the Lodi Fire Department spoke in favor of the ordinance and provided an overview of the "Fill the Boot" event.
- Brad Clark, representing Food 4 Less, spoke in favor of the proposed ordinance based on similar experiences as described by the Wal-Mart and Lowe's representatives.
- Ann Cerney spoke in opposition to the proposed ordinance based on concerns regarding protections for political signature gathering. In response to Mayor Pro Tempore Mounce, Deputy City Attorney Magdich stated political signature gathering is not prohibited by the ordinance.
- Doug Campbell spoke in favor of the proposed ordinance based on past experiences and if the "Fill the Boot" operation is not affected.
- Shawn Reilly spoke in favor of the proposed ordinance based on past experiences and if proper permits are obtained.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, introduced Ordinance No. 1791 amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – to add Chapter 9.15, "Prohibition Against Certain Forms of Aggressive Solicitation," as amended. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – Hitchcock

- L-4 "Introduce Ordinance Repealing and Reenacting Chapter 5.32 of the Lodi Municipal Code Pertaining to Massage Establishments"

Sgt. Steve Price provided a PowerPoint presentation (filed) regarding the proposed massage ordinance. General topics of discussion included additions to the ordinance including specific requirements for employees, unpermitted objects at establishments, citizenship and legal residence, massage techniques, identification, inspections, hours of operation, alcoholic beverages and drugs, and license requirements.

Discussion ensued between Council Member Hansen, Sgt. Price, and Officer Dale Eubanks regarding the Stockton massage ordinance and enforcement, current suspect operations, similar ordinances in other cities, and advertisements for massage parlors in the City.

In response to Mayor Johnson, Officer Eubanks stated he is unsure of the exact number of massage businesses, but it is likely between 25 and 30.

Public Comments:

- Diane Bean spoke in favor of the proposed ordinance, but in opposition to the provision regarding locked doors based on her concern for safety of sole proprietors, including her daughter.
- Pat Patrick of the Chamber of Commerce spoke in favor of the proposed ordinance, but in opposition to the provision regarding locked doors based on a concern for the safety of sole proprietors.
- Sheila Newfeld of Wine and Roses Spa spoke in favor of the ordinance.
- Mayor Pro Tempore Mounce stated Lynn Edwards, a massage business owner, asked her to convey her support of the ordinance.

Discussion ensued between Mayor Pro Tempore Mounce, Mayor Johnson, and Deputy City Attorney Magdich regarding the locked door provision, options for sole proprietors, and the requirement in the current ordinance. Officer Eubanks and City Manager King stated the goal is to target illegitimate businesses and it will be difficult and costly to differentiate between businesses.

- Sheila Newfield made a suggestion regarding remote controlled access doors.
- Diane Bean made a suggestion regarding permits and clearance.

Chief Jerry Adams stated the Special Investigations Unit acts based on a complaint basis only, which eliminates the legitimate businesses. He stated lock boxes and keys will greatly hinder officers and reviewed the appeals process available in the ordinance.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, introduced Ordinance No. 1792 repealing and reenacting Chapter 5.32 of the Lodi Municipal Code pertaining to massage establishments, as amended. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mounce  
Noes: Council Members – Mayor Johnson  
Absent: Council Members – Hitchcock

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:13 p.m.

ATTEST:

Randi Johl  
City Clerk